

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MELINDA VACHOW,

Plaintiff,

Case No. 13-cv-11919

vs.

HON. GERSHWIN A. DRAIN

TSS PHOTOGRAPHY, INC., F/K/A  
THE SPORTS SECTION INC., *et al.*,

Defendants.

ORDER DISMISSING ORIGINAL COMPLAINT AND DENYING WITHOUT PREJUDICE  
DEFENDANTS' MOTION TO DISMISS PURSUANT TO RULE 12(B)(1) [#10] AND  
CANCELLING AUGUST 20, 2013 HEARING

On April 30, 2013, Plaintiff filed the instant action seeking to compel arbitration to proceed in Michigan rather than Georgia, where Defendants filed an arbitration demand against Plaintiff. On June 7, 2013, Defendants filed a Motion to Dismiss arguing that this Court lacks subject matter jurisdiction over Plaintiff's Complaint because the issue of venue is for the American Arbitration Association to decide and not this Court. Thereafter, Plaintiff filed an Amended Complaint.

Accordingly, the Court dismisses the original complaint from this action. Defendants' Motion to Dismiss Pursuant to Rule 12(b)(1) [#10] is DENIED WITHOUT PREJUDICE.

SO ORDERED.

/s/ Gershwin A. Drain  
GERSHWIN A. DRAIN  
UNITED STATES DISTRICT JUDGE

Dated: June 26, 2013

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys/parties of record on June 26, 2013 by electronic and/or ordinary mail.

/s/ Tanya Bankston  
Case Manager